

THE PRESIDENT AND CONGRESS

Policy on Nicaragua faces new questions

Democrats eye legality of administration's aid role

By Jeff McConnell
Special to the Globe

Congressional Democrats, invigorated by their election victories last week, are gearing up to launch new investigations, and to intensify current ones, into private efforts to aid Nicaraguan rebels.

Some key Democrats are skeptical that the Reagan administration has stayed within the letter of the law in aiding the rebels and believe that law-enforcement officers have been passive in pursuing violations by private supporters. One went so far as to call this a potential "Watergate."

While administration officials seem to be confident that the law is too murky to be a basis for prosecutions and that the issue has been made moot by Congress' release last month of \$100 million in new US support for the rebels, congressional sources argue that the issue lies at the very heart of Congress' power over the Executive Branch in foreign-policy matters.

"The question is the degree of involvement of the administration, not the fact," Sen. Claiborne Pell (D-R.I.), who is likely to become chairman of the Foreign Relations Committee next year, said last week.

The downing last month of a plane carrying arms for rebels in Nicaragua and the capture of crew member Eugene Hasenfus has led to a flurry of press accounts detailing private efforts to aid the rebels and alleging numerous administration links to them.

A According to some accounts, CIA director William Casey, with President Reagan's approval, began in late 1983 to explore alternative ways to fund the rebels after concluding that existing CIA funds would soon run out and that Congress was unlikely to appropriate more.

Casey and Vernon Walters, a former deputy CIA director and presently US ambassador to the United Nations, set out to persuade foreign governments and intelligence services to take over aid efforts, according to the The Miami Herald, which quoted one official as saying, "There were trade-offs." The paper reports that the CIA approached Saudi Arabia in June 1984 to request some \$20 million for the rebels but was turned down.

Edwin Meese, then White House chief of staff and now US attorney general, is said to have enlisted the help of conservatives and wealthy Republicans.

After a ban on US support began in October 1984, funding and supplying the rebels was reportedly turned over to Gen. John Singlaub, a former CIA officer and a friend of Casey, with Lt. Col. Oliver North of the National Security Staff as his main US government contact.

Bush's reported involvement

In the last year, the national security staff of Vice President George Bush, a former CIA director, is also said to have become involved after the work of Singlaub and North was exposed. Adviser Donald Gregg, a former CIA officer, introduced Bush to former CIA officer Felix Rodriguez, alias Max Gomez, who Hasenfus has said coordinated flights into Nicaragua out of the Ilopango military base in El Salvador. During September, calls were made from the "safe houses" of Rodriguez, Hasenfus and their colleagues in El Salvador to North's White House phone.

If these press accounts are true, administration activities could have violated a ban, just lifted, on spending US funds to support "directly or indirectly" rebel military operations. The Hasenfus affair has already spawned several probes.

In a report released last month, Sen. John Kerry (D-Mass.) of the Foreign Relations Committee detailed allegations of illegal gunrunning by the Nicaraguan rebels and illegal assistance to them from the Reagan administration even before Hasenfus' flight. The full committee is now pursuing Kerry's allegations and the Hasenfus case with the power to take sworn testimony and issue subpoenas, and Pell said the inquiry will be "more vigorous" with the Democrats in control.

Two other investigations are being carried out by the Judiciary and Intelligence committees in the House. All three committees are looking into possible violations of the Boland Amendment, the law which banned official support for the rebels.

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The administration view

Administration officials have said that while they may have probed the law's limits, they did not break it. They have argued, according to some press accounts, that the arrangements for private aid were made prior to the time the 1984 ban took effect. Subsequently, they have said, North and other officials in contact with the private-aid network were prohibited from any actions that would have violated the ban.

Even if the CIA and the National Security Council set up the private aid network before the legal ban and have merely monitored rebel activities since, the president would have been obligated under the law to inform the intelligence committees of this, Bernard McMahon, staff director of the Senate Intelligence Committee, said last week. He refused to say if his committee had been so informed.

Moreover, Senate Intelligence Committee vice chairman Patrick Leahy (D-Vt.) and others, after administration briefings, say that while they are satisfied that the CIA did not violate the ban, the question of whether the White House did remains open.

Administration arguments have also failed to sway Democrats on the House Judiciary Committee, who last month asked Attorney General Meese to appoint a special prosecutor to look into allegations that the Reagan administration had violated the Boland Amendment and two other laws.

One is the Neutrality Act of 1794, which authorizes prosecution of anyone in the United States who provides for or participates in military operations against any foreign government with which the United States "is at peace."

The other is the Arms Export Control Act, which requires the licensing of any arms supplies exported from the United States. Suppliers are obligated to certify who the "end users" of the arms will be.

Also at issue are possible violations of these two laws by private US groups and of nonprosecution by the Department of Justice. Although FBI agents have interviewed many rebel supporters, there have been no indictments to date. Critics say that private groups are carrying out administration policy and thus are being shielded from the law. Justice Department officials deny this.

Regarding the downing of the plane carrying Hasenfus, the FBI has "followed up whatever leads that have been brought to its attention" and "so far found nothing to indicate US laws were broken," according to Justice Department spokesman Pat Korten.

Critics charge foot-dragging in Washington and by the US attorney's office in Miami, where many rebel operations are based. They contend that cases have been pursued only because of the pressure of publicity, and they point out that, despite the numerous press accounts of arms shipments from Florida airports, there have been no indictments. Some have even alleged direct interference from the US attorney general's office.

Sources on the House Judiciary Committee say they hope to look into charges of obstruction of justice, and Senate sources say they will refer related information they have to the Senate Judiciary Committee, which Sen. Edward Kennedy (D-Mass.) is expected to chair next year.